



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,830	09/06/2006	Steve Aninye	364433-P0001	4405
47604	7590	12/26/2008	EXAMINER	
DLA PIPER LLP US P. O. BOX 2758 RESTON, VA 20195			CHUGHAI, SARWAT	
			ART UNIT	PAPER NUMBER
			4133	
			MAIL DATE	DELIVERY MODE
			12/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,830	Applicant(s) ANINYE, STEVE	
	Examiner SARWAT CHUGHTAI	Art Unit 4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/06/2006, 01/24/2008, 01/25/2008, 02/12/2008,</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>04/16/2008, 07/09/2008 and 10/22/2008.</u> | |

DETAILED ACTION

1. This Office Action is in response to the Applicants' communication filed on DATE September 9, 2006 . In virtue of this communication, claims 1-20 are currently presented in the instant application.

Drawings

2. The drawings submitted on DATE January 23, 2008 . These drawings are reviewed and accepted by the examiner.

Priority

3. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information Disclosure Statement (IDS) Form PTO-1449, filed on DATE 09/06/2006, 01/24/2008, 01/25/2008, 02/12/2008, 04/16/2008, 07/09/2008 and 10/22/2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosed therein was considered by the examiner.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 4133

1. Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Layson et al. (US 6 405 213 B1).

Regarding Claim 1, Layson et al. teaches, a wireless tracking device ("mobile cellular triangulation locating system", Column 9, Line 4 and "portable tracking device", Column 9, Lines 37) comprising: a housing ("body worn LRD", Figure 2) enclosing a tamper detector ("tamper sensor", Figure 5, Element 134), memory (Figure 5, Element 127), a processor (Figure 5, Element 126), a cellular modem ("telephone data modem", Figure 4, Element 112), and a GPS receiver (Figure 5, Element 121);
a battery (Figure 5, Element 132) ;
a securing strap having a first end attached to the housing ("adjustable attaching strap", Column 10, Line 30).

Regarding Claim 2, Layson et al. teaches, the battery is located in the securing strap ("adjustable attaching strap", Figure 2, Element 63).

Regarding Claim 3, Layson et al. teaches, a second battery is located in the housing ("compartment for the rechargeable/replaceable batteries is formed inside the body worn LRD case", Column 10, Lines 46-47).

Regarding Claim 4, Layson et al. teaches, the battery is rechargeable and when fully charged will operate the device for at least 21 days (Figure 5, Element

Art Unit: 4133

68).

Regarding Claim 5, Layson et al. teaches, the tamper detector is a light sensor in the housing (“Electricity continuity circuit”, Figure 2B, Element 62).

Regarding Claim 6, Layson et al. teaches, the tamper detector is a magnetic field sensor that is activated if metal components of the housing are dislocated (“electronic monitoring”, Column 2, Line 6) .

Regarding Claim 7, Layson et al. teaches, the tamper detector is an LED receiver, and an LED emitter is used to send a light frequency out over an optical cable in the securing strap and to the LED receiver (“the body worn LRD 50 case is comprised of a high impact plastic 58 that is low attenuation properties for wireless frequencies of GPS.....”, Column 10, Lines 29-33) .

Regarding Claim 8, Layson et al. Teaches, the device is attached to a person utilizing a lock bracket and a locking pin (“This apparatus employed on the method is a tamper resistant body worn ankle wireless transmitter that communicates with an associated tamper resistant portable tracking apparatus”, Column 2, Lines 30-34).

Regarding Claim 9, Layson et al. Teaches, the tamper detector is activated by the absence of the locking pin ("the portable tracking apparatus communicates with central data...", Column 2, Lines 33-56).

Regarding Claim 10, Layson et al. Teaches, the housing has lateral openings and the lock bracket has an upstanding pin with a lateral opening that can be received within the housing, such that the locking pin passes through the housing lateral openings and the upstanding pin lateral opening (Figure 4).

Regarding Claim 11, Layson et al. Teaches, the securing strap extends from its first end about the arm or leg of a person and a second opposite end of the securing strap has an opening that is received on the upstanding pin of the lock bracket and the second end is held between the lock bracket and the housing (Figure 4).

Regarding Claim 12, Layson et al. Teaches, A wireless personal tracking device ("mobile cellular triangulation locating system", Column 9, Line 4 and "portable tracking device", Column 9, Lines 37) of the type having a housing ("body worn LRD", Figure 2), a processor (Figure 5, Element 126), memory (Figure 5, Element 127), a cellular modem("Communication network", Figure 1, Element 4-5), and a GPS receiver (Figure 5, Element 121) for use in a tracking system to provide for the monitoring and locational tracking of a plurality of monitored persons at an administrative hub which receives GPS data ("location

Art Unit: 4133

monitoring of offenders determined by GPS", Column 7, Lines 62-63, and Figure 1, Element 18) and in response instruction transmits the GPS data to a cellular network (Figure 1, Element 19, where the location history collected through GPS is sent through combination network), wherein the cellular network receives the GPS data (location history) ("communicates", Figure 1, Element 15) and collects assisted GPS data ("receives offenders location stored", column 9, Line 28-29) and determines the geolocation of the device ("time and location determined by cellular network", Column 10, Lines 8-9) and provides the geolocation information of the device to the administrative hub ("sent to communication network", Column 10, Lines 43-44 and Figure 1, Element 19).

Regarding Claim 13, Layson et al. Teaches, the cellular network provides the GPS data (information gathered by tracking device) and assisted GPS data to a location aggregator that provides the geolocation information of the device to the administrative hub ("law enforcement query terminal 37 receives automated correlation reports and query", Column 10, Lines 12-13).

Regarding Claim 14, Layson et al. Teaches, the location aggregator filters the GPS data and assisted GPS data to correct for erroneous data elements ("system and crime investigate data", Figure 1, Element 9).

Regarding Claim 15, Layson et al. Teaches, A wireless personal tracking device ("mobile cellular triangulation locating system", Column 9, Line 4 and

Art Unit: 4133

"portable tracking device", Column 9, Lines 37) of the type having a housing("body worn LRD", Figure 2), a processor(Figure 5, Element 126),, memory(Figure 5, Element 127),, a cellular modem("Communication network", Figure 1, Element 4-5), and a GPS receiver (Figure 5, Element 121)for use in a tracking system to provide for the monitoring and locational tracking of a plurality of monitored persons at an administrative hub which receives GPS data ("location monitoring of offenders determined by GPS", Column 7, Lines 62-63, and Figure 1, Element 18) and in response instruction transmits the GPS data to a cellular network(Figure 1, Element 19, where the location history collected through GPS is sent through combination network), wherein a message may be communicated from the administrative hub (within law enforcement agencies) and broadcast to the device where the message is received by the cellular modem ("time and location determined by cellular network", Column 10 ,Lines 8-9) and processed so that selected message data is conveyed to an embedded application in the device("the personal communication device transmit data to the cellular towers", Column 10, Lines 7-8).

Regarding Claim 16, Layson et al. Teaches, the embedded application generates an acknowledgement for the received message that is transmitted to the administrative hub ("law enforcement query terminal receives automated correlation report and query results", Column 10, Lines 12-13).

Regarding Claim 17, Layson et al. teaches the message contains a security token that is verified by the device before processing the message data ("investigate data", Figure 1, Element 9).

Regarding Claim 18, Layson et al. Teaches, the message is generated by an administrative user in a remote location by communicating with the administrative hub ("law enforcement agencies", and Figure 1, Elements 8) .

Regarding Claim 19, Layson et al. Teaches, A wireless personal tracking device ("mobile cellular triangulation locating system", Column 9, Line 4 and "portable tracking device", Column 9, Lines 37) of the type having a housing, a processor (Figure 5, Element 126), memory (Figure 5, Element 127), a cellular modem ("Communication network", Figure 1, Element 4-5), and a GPS receiver (Figure 5, Element 121) for use in a tracking system to provide for the monitoring and locational tracking of a plurality of monitored persons at an administrative hub which receives GPS data ("location monitoring of offenders determined by GPS", Column 7, Lines 62-63, and Figure 1, Element 18) and in response instruction transmits the GPS data to a cellular network (Figure 1, Element 19, where the location history collected through GPS is sent through combination network), wherein an embedded application in the device generates a message that is transmitted to and received by the administrative hub ("the law enforcement query terminal 37 receives automated correlation reports and query results 38 using.....", Column 10 ,Lines 12-14).

Regarding Claim 20, Layson et al. Teaches, the message is an alarm Condition (Figure 8A, Element 202).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Sarwat Chughtai, whose telephone number is 571-270-7272. The examiner can normally be reached on Monday to Thursday 8:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abul Azad can be reached on 571-272-4100. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application maybe obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published application may be obtained from either Private PAIR or Pubic PAIR. Status information for unpublished application is available application through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARWAT CHUGHTAI/

Examiner, Art Unit 4133

/ABUL AZAD/

Supervisory Patent Examiner, Art Unit 4133